

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
April 18, 2013
COASTLINE CONFERENCE AND EVENT CENTER
503 Nutt Street
WILMINGTON, NC 28401**

BOARD MEMBER PRESENT

Richard Allen
Bill Booth
Judge Burris
Denise Martin
Ed Cobbler
Bob Graham
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
James Stevens
Robert Clark
Eric Weaver Sr.

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Gary Pastor
Kerry Core
Jeff Kiker
Rex Lilly
Pamela Smith
Scott Pastor
Bill Johnson
Charles Gregory

David Arndt
Hollie Trivette
Neil Mayzik
Walter Pylypiw
Sandra Epley
Lormie Barefoot
Chris Green
Dorian Dehnel

Pam Mayfield
Jon Knowles
Chris Green
Michael Braggs

CALL TO ORDER

Chairman Richard Allen called the April 18, 2013 Private Protective Services Board meeting to order at 9:14 a.m. Chairman Allen welcomed all guests.

GOOD OF THE ORDER:

Attorney Jeff Gray explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

Mr. Gregory Hatten, president of the NCAPI greeted the Board and all of the guests. Mr. Hatten stated that the association completed their conference on March 26, 2013 where sixty (60) Private Investigators received Continuing Education Credit Hours. The association also visited Washington D.C. for the annual "Hit The Hill" event with federal lawmakers.

Mr. Gary Pastor addressed the Board regarding helpful ideas and possible changes. Mr. Pastor suggested that there be a change to the wording in the current PPSB Application for License or Associate License. Mr. Pastor also suggested that we look at the current policy and consider requiring armed PIA's to have liability insurance. He also suggested that we change the experience requirement for Private Investigators to three (3) years OR three thousand hours. He asked that PPS staff discuss the rule changes with Judge Burris and Attorney Jeff Gray.

MINUTES:

APPROVAL OF THE FEBRUARY 20, 2013 MEETING.

MOTION BY MR. GRAHAM TO ACCEPT THE MINUTES; SECONDED BY MR. STEVENS; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, April 17, 2013 from 2:36 p.m. until 6:18 p.m. to review a total of 57 applications. (See report). The committee members were Mr. Clark, Mr. Benson, Mr. MacRae, Mr. Weaver, Mrs. Martin and Mr. Cobbler. Mr. Clark read the report for the record.

Mr. Clark presented the following registration report for the period of February 19, 2013 to April 15, 2013. Total registrations 3,372; armed totals were 546 of which 179 were new and 341 were renewals, 3 duplicates, and 23 reissue/dual. There were a total of 10 armed Private Investigators, 2 new Private Investigator and 8 renewals, and 3 new armed Private Investigator Associates, 1 Renewal, and 3 reissue/dual. Unarmed totals were 2,809 which included 929 new, 1,689 renewals, 140 transfers, 17 duplicates and 34 reissue/dual. Total denials were 711 of which 142

were for cause and 569 for correctable reasons. There were 625 applications approved which were previously denied for a total of 1,336 denials reviewed.

Mr. Stevens recused himself from numbers 24 and 54.

MOTION BY MR. MACRAE TO ACCEPT THE SCREENING COMMITTEE REPORT AND THE REGISTRATION REPORT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Grievance Committee met on Wednesday, April 17, 2013 from 8:04 a.m. until 2:31 p.m. and heard a total of 10 cases. The committee members were Judge Burris, Mr. Booth, Mr. Cook, Mr. Epley, Mr. Graham and Mr. Stevens. Judge Burris presented the attached report. (See attachment). Mr. Benson recused himself from number 2012-PPS-042.

MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised that the Training & Education Committee met on Thursday, April 18, 2013 from 8:06 a.m. until 9:00 a.m. The committee members were Mr. Stevens, Mr. Allen, Mr. Booth, Mr. Clark, Mr. Epley, Mr. MacRae and Mr. Weaver.

Presently we have 366 certified PPS unarmed guard trainers and 107 PPS certified armed guard trainers.

The following PPS Training Courses for CEU Credits have been scheduled:

March 12, 2013	9 am – 1pm	Greensboro
April 18, 2013	1 pm – 5pm	Wilmington
July 13, 2013	9 am – 1 pm	Charlotte
August 22, 2013	1 pm – 5 pm	Asheville
December 12, 2013	1 pm – 5 pm	Raleigh

Mr. Weaver stated that the following twenty-two (22) continuing education training courses have been submitted for approval: Surveillance Strategies for Success: A Private Investigator's Guide for Conducting Surveillance (6); Statements, Lies and Videotape: A Private Investigator's Guide to Conducting Insurance Claim Investigations (6); Medicolegal Death Investigations for the Private Investigators (6); Specialized Forensic Photography and Diagramming (6); An Investigator's Guide to Forensic Photography (6); Industry Ethics for Private Investigators (6); Apprehending Bail Fugitives: Finding and Taking Bond Forfeitures into Custody (6); Truth or consequences: Hiring for Integrity (6); Grasping at Heels: Deception, Detection, How to Spot a Liar (6); Grasping at Heels: Deception, Detection, How to Spot a Liar (on-line) (6); Sleuthing

Social Sites: A Private Investigator's Guide to Web 2.0 and Social Networks (on-line) (6); Surveillance 100 (8); Private Investigator Training: An Overview (6); How to Protect Yourself & Your Children PPSB-12-787 (2); Responding to Individuals with Mental Illness (2); 2013 Intelligence Update (4); 2013 Legal Update (4); Juvenile Minority Sensitivity: Don't Press Send (2); Hazardous Materials (2); Bloodborne Pathogens (2); Operating In Low Light Conditions (2); and Digital Forensics Examinations – What Not to Do With Digital Evidence (2).

MOTION BY MR. BENSON TO ACCEPT THE SUBMISSIONS FOR CONTINUING EDUCATION TRAINING; SECONDED BY MR. MACRAE; MOTION CARRIED.

Mr. Stevens brought to the Board's attention an issue industry professionals are currently encountering regarding locating enough ammunition for armed guards to qualify/re-qualify. The committee suggested the Board approve a 30 round qualification course. This course would be an option for the firearms trainer to use, instead of the current 50 round qualification course. If the trainer chooses to use the 30 round qualification course, the amount of practice rounds is reduced from 150 to 100.

Attorney Jeff Gray will coordinate with the Department of Justice to obtain permission to offer the 30 round course as an option.

MOTION BY MR. BOOTH TO APPROVE 30 ROUND QUALIFICATION COURSE AS AN OPTION FOR INSTRUCTORS AND REDUCE PRACTICE ROUNDS FROM 150 TO 100; SECONDED BY MR. WEAVER; MOTION CARRIED.

The committee also discussed the current prequalification system for an instructor course. Due to availability of courses and scheduling of firearms trainer courses, the committee suggested the Board extend the period of prequalification from 180 days to 270 days.

MOTION BY MR. BOOTH TO INSTRUCT STAFF TO EXTEND PREQUALIFICATION TO A 270 DAY TIMEFRAME; SECONDED BY MR. BENSON; MOTION CARRIED.

MOTION BY MR. MACRAE TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

GRIEVANCE COMMITTEE:

Judge Burris reported on a committee concern arising out of the Metro Police and Metro Security case. There is a risk of a security guard acting as a company police officer because of the similarity in uniform and actions.

Judge Burris also reported that the committee discussed an issue with Rule 12 NCAC 07D.0503(9) which currently requires that each chart be signed by the examinee and the examiner at the end of the test. Current polygraph technology has switched from analog to digital

tests, therefore there isn't a printed chart to sign. It is important that the Board rules reflect current practices and technology.

MOTION BY MR. STEVENS TO ACCEPT THE COMMITTEE'S REPORT; SECONDED BY MR. GRAHAM; MOTION CARRIED.

SCREENING COMMITTEE:

Mr. Clark discussed an issue that was brought to his attention on a personal level. Industry professionals have concerns with having to request permission, in writing, in order to subcontract their PIAs. Mr. Hatten addressed the Board with the same concern and stated that it would be easier to request permission through a phone call to Private Protective Services.

Chairman Allen asked that Judge Burris add this to his list of concerns, discuss with staff to determine the current definition being used, and report back to the Board.

74C REWRITE COMMITTEE REPORT:

The committee members were Judge Burris, Mr. Allen, Mr. Benson, Mr. Booth, Mr. Clark, Mr. Cobbler, Mr. Cook, Mr. Epley, Mr. Graham, Mr. MacRae, Mr. Weaver, Mrs. Martin and Mr. Stevens. Judge Burris related that he is not aware of any opposition to House Bill 466 (Amend Private Protective Services Act). He asked various members to contact their representative regarding their support for House Bill 466.

MOTION BY MR. CLARK TO ACCEPT; SECONDED BY MR. WEAVER; MOTION CARRIED.

FINANCE REPORT:

NONE

OLD BUSINESS:

Attorney Jeff Gray reported that the Public Hearing for the administrative rule changes was held on March 25, 2013 at 2:00 p.m. at the Board's office. There were no attendees and no public comment therefore the following rules were before the Board for approval: 12 NCAC 07D.0104, .0203, 0321, .0302, .0401, .0501, .0601, .0901, .0807 and .0908.

MOTION BY MR. STEVENS TO APPROVE ADOPTED RULES; SECONDED BY MR. BENSON; MOTION CARRIED.

POLYGRAPH DISCUSSION

Lt. Cory Kramer, President of the North Carolina Polygraph Association, returned to answer questions regarding the revision of section .500 (Polygraph) of the administrative rules, in addition to a revised listing of polygraph schools to be added to the Board Approved List.

MOTION BY MR. GRAHAM TO APPROVE REVISED POLYGRAPH RULES; SECONDED BY MR. BENSON; MOTION CARRIED.

MOTION BY MR. BOOTH TO APPROVE THE UPDATED LISTING OF POLYGRAPH SCHOOLS; SECONDED BY MR. COOK; MOTION CARRIED.

NEW BUSINESS:

NONE

FINAL AGENCY DECISION

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following cases:

Porschea Renee Williams 12-DOJ-07549 (attachment 8). Ms. Williams was not present. This case was heard by Administrative Law Judge Beecher R. Gray on October 23, 2012. This case involved the denial of the Petitioner's application for an unarmed guard registration under 74C-12(a)(25) on the grounds that applicant demonstrated intemperate habits or lack of good moral character as evidenced by four (4) convictions of Driving While License Revoked (Cabarrus County, 08 CR 707987; Cabarrus County 09 CR 704412; Rowan County, 09 CR 005494; and Rowan County 09 CR 701583) and one (1) misdemeanor conviction of Contributing to the Delinquency of a Juvenile (Guilford County, 06 CR 096603).

Administrative Law Judge Beecher R. Gray finds that Respondent's action denying Petitioner's unarmed guard registration is supported by the evidence and is AFFIRMED.

MOTION BY JUDGE BURRIS TO ACCEPT THE PROPOSED DECISION DENYING UNARMED GUARD APPLICATION; SECONDED BY MR. STEVENS; MOTION CARRIED.

Jovan Lamont Sears 12-DOJ-08447 (attachment 9). Mr. Sears was not present. This case was heard by Administrative Law Judge Beecher R. Gray on October 23, 2012. This case involved the denial of Petitioner's application for an unarmed guard registration under 74C-12(a)(25) on the grounds that applicant demonstrated intemperate habits or lack of good moral character as evidenced by a conviction of misdemeanor Larceny by Employee.

Administrative Law Judge Donald W. Overby proposed that the Board issue Petitioner an unarmed guard registration.

MOTION BY JUDGE BURRIS TO ACCEPT OFFICE OF ADMINISTRATIVE HEARINGS DECISION TO APPROVE THE UNARMED GUARD REGISTRATION; SECONDED BY MR. BENSON; MOTION CARRIED.

Joseph T. Ferrara 12-DOJ-8309 (attachment 10). Mr. Ferrara was not present. This case was heard by Administrative Law Judge Donald W. Overby on November 27, 2012. This case involved the denial of Petitioner's application for an armed guard registration permit under 74C-12(a)(25) on the grounds that Petitioner showed a lack of good moral character and temperate habits as evidenced by two (2) convictions for DUI and two (2) convictions for misdemeanor Disorderly Conduct in Cumberland County, State of Pennsylvania.

Administrative Law Judge Beecher R. Gray proposed that Petitioner be denied an armed guard registration for a period of 90 days from November 27, 2012, then issued an armed guard registration with three (3) years of probation with a condition he receive no further criminal charges.

MOTION BY MR. BOOTH TO ACCEPT FINDINGS OF FACT BUT NOT THE CONCLUSIONS OF LAW AND RECOMMENDED DECISION AND DENY THE ARMED GUARD REGISTRATION; SECONDED BY MR. COOK; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Anthony Bonapart read the report for the record. The current PPS budget as of March 31, 2013, has a balance of \$808,726.82; the Education Fund balance is \$61,550.67. As of April 15, 2013, the total for PPS is 18,183 registrations, 1,793 licensees, and 610 certifications.

Deputy Director Bonapart noted that there have been a total of 2,416 various correspondences printed from the PPS database, 3,270 registration cards have been printed and a total of 4,523 applications received since the last Board meeting.

MOTION BY MR. CLARK TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Stephen Anthony Tarsitano/Crime Prevention Security Patrol. On October 25, 2012, the Private Protective Services Board voted to enter into a consent agreement with Mr.

Tarsitano in the amount of \$489.00 for 4 unarmed registration violations. The payment has not been received.

2. Lewis Glover, Jr./Knight Protective Services, Inc. On October 25, 2012, the Private Protective Services Board voted to enter into a consent agreement in the amount of \$1,288.20 for 8 unarmed and 2 armed registration violations. The payment has not been received.
3. Bruce Vernon Seibert/Defender Services, Inc. On February 21, 2013, the Private Protective Services Board voted to enter into a consent agreement with Mr. Seibert in the amount of \$8,200.80 for 69 unarmed guard registration violations. The payment has not been received.
4. William Basil Ratcliff/Cape Fear Investigative Services. Consent agreement in the amount of \$2,040.00 has been paid.

II. OFFICE OF ADMINISTRATIVE HEARINGS

January 28, 2013	None		
February 26, 2013	PPSB	JonPaul Wallace Jerome Mayfield Cameron Clinkscale	Denial of Unarmed Permit Denial of Armed Permit Denial of Unarmed Permit
March 26, 2013	PPSB	Eddie Hardison Robert McCrury	Denial of Unarmed Permit Revoke Security Guard and Patrol License
April 23, 2013	PPSB	Antonio Dickens Danielle Rankin Bedri Kulla Jesse A. Tyner	Denial of Unarmed Permit Denial of Unarmed Permit Denial of Unarmed Permit Denial of Unarmed Permit

III. RULES

The following rule changes were adopted at the December 14, 2012, Board meeting. The Public Hearing for these rules was held on March 25, 2013 at 2:00 p.m. at the Board's office (4901 Glenwood Avenue, Suite 200, Raleigh.) There were no attendees and no public comment – written or oral – received:

- Amendment to 12 NCAC 07D .0104, .0203, .0301, .0302, .0401, .0402, .0501, .0601, .0901, .0807 and .0908.

IV. PENDING BILLS EFFECTING PPS

1. The bill to amend Chapter 74C has been introduced. It is House Bill 466 and was sponsored by Representatives Allen McNeil (R.; Randolph Co.) Justin Burr (R.; Stanley Co.), Josh Dobson (R.; McDowell Co.) and Edward Hanes (R.; Forsyth Co.) (see attachment 3).

Judge Burris, and the board staff, have been actively involved with reviewing drafts and communication with the bill sponsors.

2. At the Board's meeting on February 21st Attorney Gray reported on two bills filed in the General Assembly giving persons other than armed security guards registered pursuant to Chapter 74C the authority to be armed and provide security and protective services on educational property:

- S.B. 59, Armed Security Guards in K-12
- S.B. 27, Public School Protection/Firearms Amendments

There has been no action on either of these bills.

Since that time, two more bills have been introduced with similar provisions:

- S.B. 146, Private Schools/Firearms Amendments
- H.B. 595, Goldstar Officer Program/School Volunteer

There has been no action on either of these bills.

Chairman Allen has written the sponsor of each of these bills to make them aware of the Board and the basic provisions of Chapter 74C.

3. One of a number of bills amending the firearms laws in North Carolina could potentially impact the Board. Senate Bill 342, Amend Gun Laws, amends that portion of the concealed handgun permit law which allows a State agency or unit of local government to adopt ordinances to prohibit the carrying of a concealed handgun, even with a permit, in specified areas by expanding and further defining "recreational facilities." Without an exception for registered armed security guards – such as is found in N.C.G.S. 14-269.3(4) – armed security guards could not carry concealed (and possibly even openly) on these premises (attachment 6).

At the February 21, 2013 Board meeting, the Board requested that Attorney Gray draft a letter to respective legislators to inform them that these particular bills may not be necessary.

MOTION BY MR. BOOTH TO ACCEPT THE LETTERS AND FOR CHAIRMAN ALLEN TO SIGN; SECONDED BY MRS. MARTIN; MOTION CARRIED.

Attorney Gray informed the Board that the Department of Justice has requested that his contract be reviewed and submitted early for budget reasons. Chairman Allen requested that the Board move into closed session to discuss the Attorney contract.

CLOSED SESSION: 11:26 a.m.

RECONVENED: 11:58 a.m.

MOTION BY JUDGE BURRIS TO APPROVE THE ATTORNEYS CONTRACT AS PROPOSED PROVIDED THAT ATTORNEY MONTHLY INVOICES BE PROVIDED TO THE CHAIR OF THE FINANCE COMMITTEE FOR REVIEW. SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. CLARK TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

PUBLIC COMMENT:

NONE

MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY MR. CLARK; MOTION CARRIED.

12:04 p.m. Adjourned

Anthony B. Bonapart, Deputy Director

Maia Washington-Powell, Licensing Assistant